

California 9-1-1
Strategic Plan
Regulatory &
Legislative
Considerations
Report (**Draft**)

May 31, 2012

2012



CALIFORNIA 9-1-1 STRATEGIC PLAN

REGULATORY & LEGISLATIVE CONSIDERATIONS REPORT

PURPOSE & OVERVIEW

The CA 9-1-1 Division is currently in the initial stages of planning for Next Generation 9-1-1(NG9-1-1) while still endeavoring to assure the current CA 9-1-1 System is robust, effective and available. In 2010, the CA 9-1-1 Division released the CA 9-1-1 Strategic Plan, a document designed to outline the current 9-1-1 environment in California (CA) and establish CA's mission, values and vision for 9-1-1 and its replacement, NG9-1-1.

Figure 1, right, denotes the many areas that states migrating to NG9-1-1 must consider as they transition, including regulatory and legislative concerns. Almost every component of the CA 9-1-1 system is affected in some way by California's regulatory and statutory environments. It is imperative that CA's regulatory and legislative environments support the CA 9-1-1 Division's goals and objectives for the current 9-1-1 system and future NG9-1-1 system. This will help to assure that the goals and objectives stated in the CA 9-1-1 Strategic Plan are attainable while paving the way for a more successful and efficient transition to NG9-1-1. Ideally, CA should have a regulatory and legislative environment that provides for comprehensive statewide 9-1-1 coordination. Issues like liability, governance, funding and provisions for new, previously unconsidered technology is important.

The CA 9-1-1 Division worked with L.R. Kimball to provide a high-level analysis of the regulatory and legislative considerations stemming from the published CA 9-1-1 Strategic Plan so as to identify areas that may need more formal or in-depth review. Other possible uses for this document by the CA 9-1-1 Division include the initiation of regulatory and legislative changes necessary to support goals of the CA 9-1-1 Strategic Plan. The following pages provide a tabular review of the regulatory and legislative considerations¹ that correlate to the stated goals of CA 9-1-1 Strategic Plan. Potential future actions that the CA 9-1-1 Division may wish to take are denoted where appropriate.

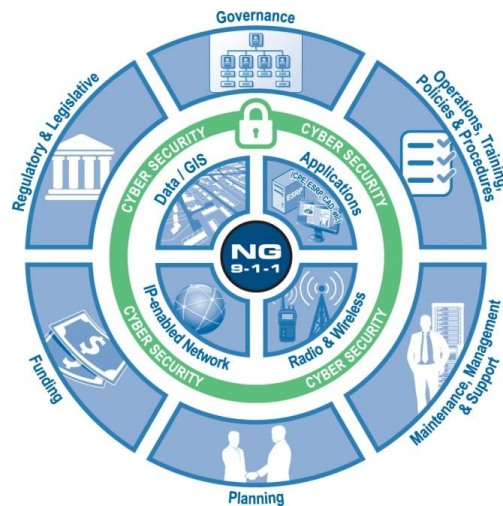


Figure 1: NG9-1-1 Elements

¹ Considerations are provided from a regulatory and legislative perspective only.

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TABLE 1 – REGULATORY & LEGISLATIVE CONSIDERATIONS TABLE

Goal	Objectives	Considerations	Potential Actions	Instruments
<u>Goal 1</u> Empower the California Technology Agency/Public Safety Communications Office, California 9-1-1 Emergency Communications Division to lead the State into the Next Generation of 9-1-1 services.	1.1: CA 9-1-1 Division as Gatekeeper. 1.2: Facilitate solutions through collaboration.	➤ There are no regulatory or legislative considerations needed to meet this goal		
<u>Goal 2</u> Expand 9-1-1 to include common and useful modes of communication.	2.1: Determine the criteria for including or excluding various communications technologies into California's NG9-1-1 solution. 2.2: Determine a process for identifying the appropriate data to include in the NG9-1-1 solution.	➤ Determine whether the technological references in State statutes are neutral and allow for the entrance of future types of communications technologies.	➤ Eliminate references to specific technologies such as "wireline", "wireless," or "VoIP." ➤ Eliminate provisions that refer to terms related to voice-centric calling that would not encompass the capabilities enabled by NG9-1-1.	➤ Warren 911 Emergency Assistance Act ➤ Emergency Telephone Users Surcharge Law (CA Rev & Tax Code) ➤ Tariffs or Rules filed with the CPUC

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	2.3: Determine which communications technologies should be supported by California's NG9-1-1 solution.	➤ Determine whether State statutes and tariffs provide for the collection and retention of new types of data.	➤ Change, where necessary, statutes or tariffs to allow 9-1-1 authorities or system service providers (SSPs) to receive relevant routing, location and other information.	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Emergency Telephone Users Surcharge Law (CA Rev & Tax Code) ➤ Tariffs or Rules filed with the CPUC
		➤ Determine whether State statutes allow for the entrance of future data types and transfer modes.	➤ Eliminate provisions that refer to specific types of data and its transfer.	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Tariffs or Rules filed with the CPUC
		➤ Determine whether confidentiality, disclosure and retention statutes allow for appropriate levels of data sharing and transmittal, including whether new types of 9-1-1 calls, call content and other data that will exist in a NG9-1-1 environment is adequately protected.	➤ Require by statute provisions for those protections and data levels if current statutes do not adequately protect this new data or allow	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Tariffs or Rules filed with the

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			for the necessary levels of data sharing.	CPUC
		<ul style="list-style-type: none"> ➤ Determine whether statutes clearly address the responsibility of all persons who may have access to 9-1-1 call information when that information is stored in non-local or shared repositories. 	<ul style="list-style-type: none"> ➤ Require by statute that state and local 9-1-1 governing authorities develop standard operating procedures governing who has access to 9-1-1 call information, under what circumstances, and how. 	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Tariffs or Rules filed with the CPUC
		<ul style="list-style-type: none"> ➤ Determine whether statutes clearly address the responsibility of all persons who may have access to 9-1-1 call information when that information is stored in non-local or shared repositories. 	<ul style="list-style-type: none"> ➤ Require by statute that non-local agencies or local PSAP telecommunications have access to 9-1-1 call data and adhere to confidentiality provisions. 	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Tariffs or Rules filed with the CPUC

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<u>Goal 3</u> Define the NG9-1-1 architecture.	3.1: IP based and open standards technology.	<ul style="list-style-type: none"> ➤ Determine whether current tariffs allow for and promote the required interconnections. 	<ul style="list-style-type: none"> ➤ Change, where necessary if tariffs impede the necessary interconnections. 	<ul style="list-style-type: none"> ➤ Tariffs or Rules filed with the CPUC
	3.2: Security Requirements. 3.3: Deliver requests to PSAPs over the IP network without requiring specialized hardware and software at the PSAP.	<ul style="list-style-type: none"> ➤ Determine whether existing statute definitions support new NG9-1-1 concepts. 	<ul style="list-style-type: none"> ➤ Change, where necessary, statutes or tariffs definitions to support new NG9-1-1 concepts. 	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Emergency Telephone Users Surcharge Law (CA Rev & Tax Code) ➤ Tariffs or Rules filed with the CPUC
	3.4: All 9-1-1 communication modality vendors to provide all information necessary to identify and route the request. 3.5: Establish a common statewide knowledge system to route requests based on business rules. 3.6: Supports complete flexibility of PSAP jurisdictions and operations.	<ul style="list-style-type: none"> ➤ Determine whether existing statutes adequately protect the appropriate 9-1-1 system participants from liability. 	<ul style="list-style-type: none"> ➤ Extend liability protection to all types of originating service providers regardless of technology. ➤ Extend liability protection beyond the PSAP environment to all entities involved in emergency response. ➤ Apply liability 	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Tariffs and rules filed with the CPUC

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	<p>3.7: Robust services and delivery mechanisms, including leveraging existing or planned State infrastructure as appropriate.</p> <p>3.8: Ensure that the NG9-1-1 system is publicly owned and non-proprietary.</p>		<p>protection to all 9-1-1 SSPs and their third-party vendors, regardless of whether that SSP is a traditional regulated local exchange carrier or an unregulated competitive SSP.</p> <ul style="list-style-type: none"> ➤ Make liability provisions technology neutral. ➤ Apply liability protections to external data providers that support or supplement the normal information sent with a 9-1-1 call. 	
<p><u>Goal 4</u> Modernize the funding mechanism to align with the NG solution.</p>	<p>4.1: Keep the SETNA special fund and ensure that its use is protected.</p> <p>4.2: Ensure a minimum available fund value at all times.</p> <p>4.3: Identify the most appropriate funding source for NG9-1-1</p>	<ul style="list-style-type: none"> ➤ Determine whether reasonable and equitable fees are assessed on all end-user communication technologies or services capable of accessing 9-1-1 such as telematics, pre-paid wireless and allow for a mechanism to assess fees on future technologies. 	<ul style="list-style-type: none"> ➤ Extend the 9-1-1 surcharge on pre-paid wireless at point of retail sale. ➤ Clearly define the eligible uses of the SETNA fund and establish penalties to deter misuse of funds. 	<ul style="list-style-type: none"> ➤ Warren 911 Emergency Assistance Act ➤ Emergency Telephone Users Surcharge Law (CA Rev & Tax Code)

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	<p>program services.</p> <p>4.4: Repurpose the fund's allowed expenditures.</p> <p>4.5: Continued review and evaluation.</p>			
<p>Goal 5 Create an open marketplace for NG9-1-1 solutions</p>	<p>5.1: Promote market outreach and enrichment.</p>	<p>➤ Determine whether current tariffs allow for the transition from the legacy network to the open marketplace environment for NG9-1-1 solutions.</p>	<p>➤ Change, where necessary, statutes or tariffs that impede the transition.</p>	<p>➤ Tariffs or Rules filed with the CPUC</p>
	<p>5.2: Procure open source NG9-1-1 systems and services.</p> <p>5.3: Preserve open access to market.</p> <p>5.4: Publish/distribute shared solutions.</p>	<p>➤ Determine whether statutes and tariffs provide competitive 9-1-1 SSPs with the same reasonable and nondiscriminatory treatment as incumbent 9-1-1 SSPs.</p>	<p>➤ Require by statute that requirements are functional, performance based and neutral with regard to technologies, manufacturers or providers.</p>	<p>➤ Tariffs or Rules filed with the CPUC</p> <p>➤ Warren 911 Emergency Assistance Act</p>
<p>Goal 6 Empower county coordinators in the new paradigm.</p>	<p>6.1: Expand the role and responsibilities of the County Coordinators to support NG9-1-1.</p>	<p>There are no regulatory or legislative considerations needed to meet this goal.</p>		

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<p><u>Goal 7</u> Empower the 9-1-1 Advisory Board to provide leadership in the new paradigm.</p>	<p>7.1: Provide the Board with ongoing and current information related to the policy and program challenges of transitioning the NG9-1-1 environment.</p> <p>7.2: Involve the Board in collaborative policy development.</p> <p>7.3: Enhance the Board's communications and procedural methodology.</p> <p>7.4: Encourage the Board to provide leadership and outreach to the 9-1-1 Community in support of transitioning to the new NG9-1-1 environment.</p>	<p>➤ There are no regulatory or legislative considerations needed to meet this goal.</p>		

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<p><u>Goal 8</u> Ensure the Public is informed of the Next Generation changes and the proper use of 9-1-1.</p>	<p>8.1: Confirm policies affecting the public's use of 9-1-1.</p> <p>8.2: Determine the percentages of call types among 9-1-1 calls.</p> <p>8.3: Study the cost and benefit of a public education campaign.</p> <p>8.4: Conduct focused public education campaigns as warranted</p> <p>8.5: Establish standard messages for PSAPs to include on their websites.</p>	<p>➤ There are no regulatory or legislative considerations needed to meet this goal</p>		

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Goal	Objectives	Considerations	Potential Actions	Instruments
<u>Goal 9</u> Monitor system health for the public good.	<u>9.1</u> : Define NG9-1-1 key performance indicators and business rules.	➤ There are no regulatory or legislative considerations needed to meet this goal		

REGULATORY CONSIDERATIONS FOR
CALIFORNIA 9-1-1 STRATEGIC PLAN
FOR THE CALIFORNIA TECHNOLOGY AGENCY
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REFERENCES

- The Warren 9-1-1 Emergency Assistance Act, CAL. GOV'T CODE §§ 53100 - 53120 (2010).
- The Emergency Telephone Users Surcharge law, CAL. REV. & TAX. §§ 41001 - 41176 (2010).